1 This is a sample document, for informational purposes only. Consult your bond attorney regarding 2 the precise document(s) required for your particular transaction. 3 4 BY AUTHORITY 5 COUNCIL BILL NO.: 6 ORDINANCE NO. 7 8 SERIES OF (YEAR) **COMMITTEE OF REFERENCE:** 9 10 11 12 13 14 A BILL 15 For an ordinance declaring the intent of the City of _____, Colorado to 16 issue revenue bonds or mortgage credit certificates to provide financing of 17 18 residential facilities for low and middle income persons and families; prescribing certain terms and conditions of such bonds; authorizing the 19 20 execution of IRS forms, assignment agreements and delegation agreements, and containing other provisions relating thereto. 21 22 WHEREAS, the City of _____, Colorado (the "City"), is a legally and regularly created, 23 24 established, organized and existing home rule city, municipal corporation and political 25 subdivision under the provisions of Article XX of the Constitution of the State of Colorado (the 26 "State") and the Home Rule Charter of the City (the "Charter"); and 27 WHEREAS, the City is authorized by its Charter, the County and Municipality 28 Development Revenue Bond Act, constituting Article 3, Title 29, Colorado Revised Statutes, as 29 amended (the "Act"), and the Colorado Supplemental Public Securities Act, Article 57, Title 11, 30 Section 201, et seq., Colorado Revised Statutes, as amended (the "Supplemental Act"), to 31 finance one or more projects (which includes any land, building or other improvement and real 32 and personal properties) to the end that residential facilities for low- and middle-income persons 33 or families or facilities intended for use as the sole place of residence by the owners or intended 34 occupants may be provided, which promotes the public health, welfare, safety, convenience and 35 prosperity; and WHEREAS, the City is further authorized by its Charter, the Act and the Supplemental Act 36 to issue revenue bonds for the purpose of defraying the cost of financing or refinancing any 37 38 project, including the payment of principal and interest on such revenue bonds for not exceeding 39 three years, the funding of any reserve funds which the governing body of the City may deem advisable to establish in connection with the retirement of such revenue bonds or the 40

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and to secure payment of such revenue bonds as provided in the Act and the Supplemental Act; and

WHEREAS, the City wishes to declare its intention to issue its revenue bonds, in one or more series, or, in lieu of issuing all or any series of such revenue bonds, to issue, or to cause to be issued, mortgage credit certificates (the "Certificates"), in connection with <u>(financing mortgage loans for residential facilities for low—and middle—income families or facilities intended for use as the sole place of residence by the owners or intended occupants thereof)</u>, which facilities will be located within the boundaries of the City; and

WHEREAS, this Ordinance is being adopted to satisfy the requirements of the City with respect to establishing its intent to issue, or to cause to be issued, revenue bonds or Certificates and with respect to establishing a carryforward purpose for the City's private activity bond volume cap allocation pursuant to the Colorado Private Activity Bond Ceiling Allocation Act, constituting Article 32, Title 24, Part 17, Colorado Revised Statutes, as amended (the "Allocation Act"); and

WHEREAS, the issuance of revenue bonds or Certificates for such purposes constitutes a project under the Act; and

WHEREAS, such revenue bonds (including bonds to finance single family and multifamily projects or any other projects which have a "carryforward purpose" as defined by Section 24-32-1703(4), Colorado Revised Statutes, as amended) or Certificates are expected to be issued by the City in an amount not to exceed \$______, which amount equals the remaining <u>(year)</u> private activity bond volume cap allocation of the City (the "<u>(year)</u> Volume Cap Allocation");

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF______, COLORADO:

Section 1. In order to benefit the residents of the City, the City hereby declares its intent to issue its revenue bonds (including bonds to finance single family and multifamily projects or any other projects which have a "carryforward purpose" as defined by Section 24-32-1703(4), Colorado Revised Statutes, as amended) in one or more series (the "Bonds") in an aggregate principal amount not to exceed \$______, or, in lieu of issuing all or any series of Bonds, to issue, or to cause to be issued, the Certificates, which shall be used in connection with financing mortgage loans for residential facilities for low–and middle–income families or facilities intended for use as the sole place of residence of the owners or intended occupants thereof, which residential facilities shall be located within the boundaries of the City.

Section 2. In connection with the management and preservation of the City's <u>(year)</u> Volume Cap Allocation, the appropriate officers of the City are hereby authorized to execute any

applicable Internal Revenue Service ("IRS") forms and to execute assignment agreements and delegation agreements with other Colorado "issuing authorities" as defined in Section 24-32-1703(12), Colorado Revised Statutes, as amended.

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Section 3. The City Council of the City (the "Council") hereby finds, determines, recites and declares that the Bonds or the Certificates shall not constitute the debt, multiple fiscal year obligation or indebtedness of the City, the State or any political subdivision of the State within the meaning of any provision or limitation of the State Constitution or statutes and shall not constitute nor give rise to a pecuniary liability of the City or a charge against the City's general credit or taxing powers, nor shall the Bonds or the Certificates ever be deemed to be an obligation or agreement of any officer, director, agent or employee of the City in such person's individual capacity, and none of such persons shall be subject to any personal liability by reason of the issuance of the Bonds or the Certificates.

Section 4. The Council hereby finds, determines, recites and declares that the issuance of the Bonds, or in lieu of such Bonds, the Certificates, in connection with financing such residential facilities will promote the public purposes set forth in the Act, including, without limitation, assisting persons or families of low- and middle-income in obtaining decent, safe and sanitary housing.

Section 5. The Council hereby finds, determines, recites and declares the City's intent that this Resolution constitutes an official indication of the present intention of the City to issue, or to cause to be issued, the Bonds or, in lieu of any such Bonds, the Certificates, as herein provided.

Section 6. The appropriate officers of the City are hereby authorized to take such actions as contemplated by the Internal Revenue Code of 1986, as amended (the "Code") and the Allocation Act that may be necessary to manage, preserve, carryforward, delegate and/or assign the (year) Volume Cap Allocation pursuant to the Code and the Allocation Act.

Section 7. All actions not inconsistent with the provisions of this Ordinance heretofore taken by the Council or any officer or employee of the City in furtherance of the issuance of the Bonds or the Certificates are hereby ratified, approved and confirmed.

Section 8. If any section, paragraph, clause or provision of this Ordinance shall be adjudged to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining sections, paragraphs, clauses or provisions of this Ordinance.

Section 9. All bylaws, orders, resolutions, ordinances, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency, and if so repealed, no

1	other bylaw, order, resolution, ordinance, or part the	reof, shall be revived.	This repealer shall not
2	be construed as reviving any bylaw, order, resolution or ordinance, or part thereof.		
3	CONSENT AGENDA: (date).		
4	MAYOR-COUNCIL DATE: (date).		
5	PASSED BY THE COUNCIL		(year)
6	<u> </u>	- PRESIDENT	
7	APPROVED:	- MAYOR	(year)
8		- CLERK AND RECO	•
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